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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,132	07/22/2003	Joseph M. Jcddeh	501304.01	8276
7590 02/07/2007 Kinton N. Eng, Esq. DORSEY & WHITNEY LLP Suite 3400 1420 Fifth Avenue Seattle, WA 98101			EXAMINER SORRELL, ERON J	
			ART UNIT 2182	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/625,132

Applicant(s)

JEDDELOH, JOSEPH M.

Examiner

Eron J. Sorrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 3, 10, 19 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 11-18, and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/30/06; 11/20/06</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

DETAILED ACTION

*Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/06 has been entered.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,2,5,6,8,9,13,14,17,18,21,22,24,26,28,29,32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leddige et al. (U.S. Patent No. 6,477,614 hereinafter "Leddige")

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in view of Cheung (U.S. Pub No. 2004/0216018) and further in view of Baxter (U.S. Patent No. 6,370,601).

4. Referring to apparatus claims 1 and 8, and system claims 13 and 24, Leddige teaches a computer system, comprising:

- a central processing unit ("CPU") (see item 101 in figure 1);

- a system controller coupled to the CPU (see item 111 in figure 1), the system controller having an input port and an output port (see bi-directional interface connecting item 111 to bus 120);

- an input device coupled to the CPU through the system controller (see item 123 in figure 1);

- an output device coupled to the CPU through the system controller (see item 122 in figure 1);

- a storage device coupled to the CPU through the system controller (see item 131 in figure 1)

- a memory bus on which memory requests are provided (see item 300 in figure 3);

- a plurality of memory devices (see items labeled "MEMORY DEVICE" in figure 3); and

- a memory hub (see item 320 in figure 3) , comprising:

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a link interface for receiving memory requests for access to at least one of the memory devices (see item 310 in figure 3);

a memory device interface coupled to the memory devices (see item 321 and 322 in figure 3), the memory device interface coupling memory requests to the memory devices for access to at least one of the memory devices (see paragraph bridging columns 3 and 4);

a switch for selectively coupling the link interface and the memory device interface (see lines 11-52 of column 8);

and a communications link coupled between the system controller and at least one of the plurality of memory modules for coupling memory requests and data between the system controller and the memory modules (see bus connecting item 111 to item 113 in figure 1).

Leddige fails to teach the hub further comprises a direct memory access (DMA) engine coupled through the switch to the memory device interface, the DMA engine generating memory requests for access to at least one of the memory devices to perform DMA operations.

Cheung teaches in an analogous system a DMA controller located on a memory module (see paragraph 11 on page 2), the DMA engine generating memory requests for access to at least one

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memory device to perform DMA operations (see paragraph 10 on page 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the memory module of Leddige with the above teachings of Cheung. One of ordinary skill would have been motivated to make such modification in order to provide testing and verification of components as suggested by Cheung (see paragraph 10 on page 1) in addition to relieving the memory hub of burdensome data transfers freeing it to work on other tasks.

The combination of Leddige and Cheung fails to teach the hub comprises an I/O register operable to store status information indicative of completion of a DMA operation and error status of the DMA operation and the DMA controller is operable to program the I/O register upon completion of the DMA operations, however Cheung teaches the DMA controller comprises a plurality of operation registers (see paragraph 16 on page 2) but does not specifically identify a register storing status information.

Baxter teaches, in an analogous system, the above limitations (see lines 48-59 of column 11).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

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combination of Leddige and Cheung with the above teachings of Baxter. One of ordinary skill in the art would have been motivated to make such modification in order to allow the system to recover from errors as suggested by Baxter (see lines 48-59 of column 11)..

5. Referring to apparatus claims 2 and 9, and system claims 14 and 26, the combination of Leddige, Cheung, and Baxter teaches the memory hub is an embedded system having the link interface, the memory device interface, the switch, and the DMA engine residing in a single device (see figure 7 of Leddige and paragraph 11 on page 2 of Cheung).

6. Referring to apparatus claim 5 and system claims 21 and 32, Leddige teaches the plurality of memory devices is a bank of memory devices simultaneously accessed during a memory operation (see MEMORY DEVICES in figure 3 and paragraph bridging columns 3 and 4).

7. Referring to claim 6, and system claims 22 and 33, Leddige teaches the plurality of memory devices comprise synchronous dynamic random access memory devices (see lines 17-31 of column 2).

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8. Referring to system claim 17 and 28, Leddige teaches a plurality of memory modules (see items 210a, 211a, and 212a in figure 3) are included in the memory system and a first memory module (see item 210a) of the plurality of memory modules is coupled to the memory bus (note that memory bus 300 is only connected to module 310a) and the remaining memory modules of the plurality are coupled in series with the first memory module (see interfaces 311-314 in figure 3).

9. Referring to system claim 18 and 29, Leddige teaches a plurality of memory modules are included in the memory system and each of the plurality of memory modules are coupled directly to the memory bus through a respective link interface (see figure 5).

10. Claims 7,12,23, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leddige in view of Cheung and Baxter as applied to claims 1,8,13, and 24 above, and further in view of Schmidt (U.S. Patent No. 6,782,465).



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11. Referring to claims apparatus claim 7 and 12, and system claims 23 and 34, the combination of Leddige, Cheung, and Baxter teaches the DMA engine comprises (see Cheung figure 2):

an address register for storing a starting memory address for a DMA operation (see paragraph 16 on page 2);

a target address location for storing a target address of a location to which data is to be moved in the DMA operation (see paragraph 16 on page 2);

a count register for storing a count value indicative of the number of memory locations to be accessed in the DMA operation (see paragraph 16 on page 2).

The combination of Leddige, Cheung, and Baxter fails to teach the DMA controller further comprises a next register for storing a value representative of the completion of the DMA operation or representative of a memory address corresponding to a link list including a starting memory address, a count value and a next memory address to be loaded into the address register, the count register, and the next register.

Schmidt teaches a DMA controller comprising the above next register (see lines 5-18 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Leddige, Cheung, and Baxter with the above

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teachings of Schmidt in order to increase the rate of memory transfers as suggested by Schmidt (see lines 7-10 of column 2).

12. Claims 4,11,20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leddige, Cheung, and Baxter as applied to claims 1,8,13, and 24 above, and further in view of "Throughput Expansion with FET Based Crossbar Switching" (hereinafter Jones).

13. Referring to apparatus claims 4 and 11, and system claims 20 and 31, the combination of Leddige, Cheung, and Baxter fails to teach the switch is a crossbar switch.

Jones teaches a crossbar switch with "very low propagation delays...that can fit in any environment requiring greater bandwidth (see paragraph bridging pages 2 and 3)."

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Leddige and Cheung with the above teachings from Jones to increase throughput through the hub as suggested by Jones.

14. Claims 15,16,25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leddige in view of Cheung and Baxter

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as applied to claims 1,8,13, and 24 above, and further in view of Frame et al. (US Pub. No. 2004/0243769 hereinafter "Frame").

15. Referring to claims 15,16,25, and 27, the combination of Leddige, Cheung, and Baxter fails to teach a communications link comprises a high-speed optical memory bus and wherein the link interface of the memory hub comprises an optical memory bus interface circuit for translating optical signals and electrical signals.

Frame teaches, in an analogous system, the above limitation (see paragraph 15 on page 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Leddige, Cheung, and Baxter with the above teachings of Frame in order to further increase bandwidth through the system.

#### *Response to Arguments*

16. Applicant's arguments filed 11/20/06 have been fully considered but they are not persuasive. The applicant argues that the affidavit and accompanying evidence is sufficient to show conception of the claimed invention coupled with due

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diligence from prior to the reference date to the filing of the application (constructive reduction to practice). The applicant asserts that at least the independent claims are shown in the affidavit and accompanying evidence and states the applicants documented affirmative acts shows due diligence in support of this argument.

17. As per argument 1, the Examiner disagrees. The applicant's method of showing prior invention requires evidence of conception of the claimed invention *and a showing of due diligence* (see MPEP 715.07).

18. Per MPEP 715.02, "The 37 CFR 1.131 affidavit or declaration must establish possession of *either the whole invention claimed or something falling within the claim (such as a species of a claimed genus), in the sense that the claim as a whole reads on it*. In re Tanczyn, 347 F.2d 830, 146 USPQ 298 (CCPA 1965) (emphasis added)." The applicant has not met this requirement, as the limitations of at least claims 5, 7, 15, and 16 are neither shown in the evidence submitted nor alleged to be conceived in the declaration.

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19. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Cheung reference (April 28, 2003) to the US filing date of this application (July 22, 2003) because in section 8 of the declaration, the applicant makes a blanket statement that from a time prior to April 28, 2003 to when the application was filed, the inventor worked with the attorney to prepare and finalize the patent application. The applicant has not been specific as to dates and facts during this almost three-month long period (a 2-day period lacking activity has been held fatal (SEE MPEP 2138.06)). Since section 8 does not cover all the specifics as to dates and facts, section 8 is insufficient to establish diligence between April 28, 2003 and July 22, 2003.

20. Applicant's argument pertaining to the combination of Leddige and Cheung failing to teach the newly amended limitation of the I/O register and its claimed functionality is moot in light of the new grounds of rejection.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J.

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Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EJS

January 29, 2007

  
KIM HUYNH  
SUPERVISORY PATENT EXAMINER

2/1/07